

APPLICANT(S): GILREATH, Mark G. et al.  
SERIAL NO.: 10/617,372  
FILED: July 11, 2003  
Page 5

### REMARKS/ARGUMENTS

The present Amendment and Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

#### **Status of Claims**

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

Claims 1, 4, 6, 11 and 18 have been amended.

Claims 5 and 12-17 have been cancelled without prejudice. Applicant reserves all rights in these non elected claims, to file divisional and/or continuation patent applications.

New claims 21-24 have been added in order to further define what the Applicants consider to be the invention.

Applicants assert that the present invention is new, non-obvious and useful.

Applicants assert that no new matter has been added.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1-5, 8-14, and 16-20 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,264,611 to Ishikawa et al. ("Ishikawa"). Applicants respectfully traverse this rejection.

Applicants' independent claim 1 as amended recites, inter alia, "at least one functional unit for performing an in vivo procedure, and at least one imaging unit are integrated in said central body at said in vivo inserted end". Applicants' independent claim 18 as amended recites, inter alia, "said in vivo inserted end integrating at least one functional element and at least one sensing unit".

APPLICANT(S): GILREATH, Mark G. et al.  
SERIAL NO.: 10/617,372  
FILED: July 11, 2003  
Page 6

The Ishikawa patent discloses a miniature semiconductor device while “[t]he instrument that carries the semiconductor device to a particular site within the body may be a catheter, guidewire etc.” (Abstract, emphasis added), and “[m]iniature semiconductor balls can be provided on the distal segments of catheters and guidewires...” (col. 4, lines 48-50, emphasis added). However, Ishikawa does not disclose “at least one functional unit for performing an in vivo procedure, and at least one imaging unit are integrated in said central body at said in vivo inserted end”, as claimed in amended Applicants’ independent claims 1 and 18.

As discussed above, Ishikawa does not teach all the elements of independent claims 1 and 18 as amended. Each of claims 2-4, 6-11, and 21-24 is dependent from amended independent claim 1 and includes all the features of this claim, and each of claims 19-20 is dependent from amended independent claim 18, and includes all the features of this claim. Therefore, dependent claims 2-4, 6-11, 19-20, and 21-24 are likewise allowable.

In view of the above, Applicants respectfully request that the rejection of claims 1-5, 8-14, and 16-20 under 35 U.S.C. § 102(e), in view of Ishikawa be withdrawn.

In the Office Action, the Examiner rejected claims 1-6, 11-16, and 18-20 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,626,902 to Kucharczyk et al. (“Kucharczyk”). Applicants respectfully traverse this rejection.

Applicants’ independent claim 1 as amended includes, inter alia, “at least one functional unit for performing an in vivo procedure, and at least one imaging unit are integrated in said central body at said in vivo inserted end”. And Applicants’ independent claim 18 as amended includes, inter alia, “said in vivo inserted end integrating at least one functional element and at least one sensing unit”.

The Kucharczyk patent discloses a “multi-lumen, multi-functional catheter system comprising a plurality of axial lumens” (Abstract), and “additional probes or devices that might be passed through either the central barrel of the catheter or through one of the surrounding ports include intracranial pressure probes, optical fibers etc.” (col. 8, lines 1-20, emphasis added). However, Kucharczyk does not disclose “at least one functional unit for performing an in vivo procedure, and at least one imaging unit are integrated in said central

APPLICANT(S): GILREATH, Mark G. et al.  
SERIAL NO.: 10/617,372  
FILED: July 11, 2003  
Page 7

body at said in vivo inserted end", as claimed in amended Applicants' independent claims 1 and 18.

As discussed above, Kucharczyk does not teach all the elements of independent claims 1 and 18 as amended. Each of claims 2-4, 6-11, and 21-24 is dependent from amended independent claim 1 and includes all the features of this claim, and each of claims 19-20 is dependent from amended independent claim 18, and includes all the features of this claim. Therefore, dependent claims 2-4, 6-11, 19-20, and 21-24 are likewise allowable.

In view of the above, Applicants respectfully request that the rejection of claims 1-6, 11-16, and 18-20 under 35 U.S.C. § 102(c), in view of Kucharczyk be withdrawn.

### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Kucharczyk in view of any one of U.S. Patent No. 6,800,056 to Tartaglia et al. ("Tartaglia"), U.S. Patent No. 6,277,064 to Yoon, et al. ("Yoon '064") and/or U.S. Patent No. 6,066,090 to Yoon et al. ("Yoon '090"). Applicants respectfully traverse this rejection.

Applicants' dependent claim 7 includes all of amended independent claim 1 elements, including inter alia, "at least one functional unit for performing an in vivo procedure, and at least one imaging unit are integrated in said central body at said in vivo inserted end". Kucharczyk describes "additional probes or devices that might be passed through either the central barrel of the catheter or through one of the surrounding ports include intracranial pressure probes, optical fibers etc." (col. 8, lines 1-20, emphasis added). Tartaglia describes an endoscope with guiding apparatus. "The tracking rod or guide is positioned within a guide channel within the endoscope..." (Abstract, emphasis added). Yoon '064 describes a surgical endoscopic instrument as such "insertion of the instrument through a portal or the like..." (Abstract, emphasis added). Yoon '090 describes an endoscope with two branches, while "Each branch also includes an operating channel or cannula through which various surgical instruments are passed." (Abstract, emphasis added). None of Kucharczyk, Tartaglia, Yoon '064 or Yoon '090 teach or

APPLICANT(S): GILREATH, Mark G. et al.  
SERIAL NO.: 10/617,372  
FILED: July 11, 2003  
Page 8

suggest "at least one functional unit for performing an in vivo procedure, and at least one imaging unit are integrated in said central body at said in vivo inserted end".

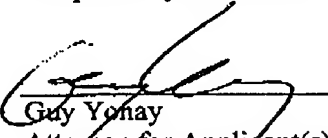
Furthermore, the devices of Kucharczyk, Tartaglia, Yoon '064 and Yoon '090 teach away from a device integrated in a central body, since they all require a device passing through a channel.

In view of the above, Applicants respectfully request that the rejection of claim 7 under 35 U.S.C. § 103(a) over Kucharczyk in view of any one of Tartaglia, Yoon'064 and/or Yoon'090 be withdrawn.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Respectfully submitted,

  
Guy Yonay  
Attorney for Applicant(s)  
Registration No. 52,388

Dated: June 25, 2007

Pearl Cohen Zedek Latzer LLP.  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801